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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,175	10/19/2001	Andreas Meschenmoser	P21299	7813

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EXAMINER

HASTINGS, KAREN M

ART UNIT	PAPER NUMBER
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1731

8

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

mk-8

Office Action Summary

Application No.

09/982175

Applicant(s)

MESCHENMAYER

Examiner

HASTINGS

Group Art Unit

1731

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9/9/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-9, 12-41 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9, 12-41 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Claims 1-9 and 12-41 are rejected under 35 U.S.C. § 103(a)
as being unpatentable over De '048 and/or Schiel et al., further
as necessary with MacDonald Volume 3, further with Dahl '790
and/or Meinander et al., and further with Justus et al.

These claims are rejected for reasons set forth on pages 1-6
of the last Office action. Applicants, however, by their
amendment and arguments have traversed the Examiner's finding
that the limitations in original dependent claims 10 and 11 (now
incorporated into each independent claim) would be either
immediately envisioned to one of ordinary skill in the art or are
a well known technical feature - see specifically with respect to
claim 10, page 4 of the last Office action "All dependent claims
are suggested or would have been immediately envisioned by one of
ordinary skill in the art as well known technical features" and
page 6 of the last Office action lines 3-5 "Further use of belts
with grooves or blind bores to aid in water removal are known
technical features for use in press nips" (claim 11).

Thus since applicants' major argument is that neither
primary reference teaches that the press belt may be a water
permeable wire or that the sealing belt may be blind bored or
grooved, the Examiner again notes that as set forth in the last
Office action these are well known technical features to one of
ordinary skill in the art. In support thereof, Justus et al. is
applied as it exemplifies on column 3 lines 32-36 that it is

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known that the outer surface of a sealing belt for an extended nip may be grooved to aid in the passage of water in the dewatering process.

Furthermore, Dahl '790 of record at column 5 lines 20-24 teaches that dewatering belts or bands 9 may be "felts, foils or wires" which clearly exemplifies that a press wire (that is, applicant's ~~water~~ permeable wire web~~)~~ is a known alternative for use as a press felt. In addition, Meinander is also cited as it exemplifies in Figures 1 and 2 that a press wire 8 may be interposed in between a press felt or wire 7 and a sealing belt 5 of an extended nip press. Note Meinander at column 2 teaches specifically at lines 20-25 that "The paper web 3 and a water pervious and/or absorbing belt 7, e.g. press felt, and possibly yet another water pervious belt 8 provided to increase the dewatering capacity, e.g. a fabric wire, are guided to travel through the nip.~~)~~

Thus clearly it would have been prima facie obvious to one of ordinary skill in the art upon viewing Figure 5 of DE '048 to "immediately envision~~)~~ that one of the press fabrics in the first press nip may indeed be a well known alternative "water permeable wire web" as opposed to a felt since as exemplified by Dahl '790, and Meinander these are known alternative fabric designs for dewatering in a press nip. In addition, the use of multiple

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fabrics as exemplified by Dahl '790 and Meinander are well known to those of ordinary skill in the art.

Likewise, it would have been prima facie obvious to one of ordinary skill in the art to have provided grooves in the press sealing belt(s) of Figure 5 of DE '048 for the known advantages of outer dewatering grooves to aid in water removal from the press as is well known as exemplified by Justus et al.

Alternately or in combination with DE '048, Schiel et al. teaches as set out in the last Office action the use of a web guide drive belt in an extended nip press that may be formed by a plurality of endless belts, and that the drive belt may be a water absorbing belt, e.g. [for example] a press felt. Clearly, the press felt may also be a press wire as it is well known in the art as exemplified by Dahl '790 that these are well known alternative press fabrics for use in a dewatering press nip. Again to have provided grooves in the sealing belt of the extended nip press of Schiel also would have been a well known technical feature that would have been prima facie obvious for one of ordinary skill in the art to use in order to obtain the well known benefits from a grooved sealing press belt.

Claims 13-17, 22 and 40-41 are also rejected under 35

U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further in view of as necessary

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further in view of Laapotti '778 for reasons set forth on page 7 of the last Office action.

Applicants' arguments filed September 9, 2002 have been fully considered but they are not deemed to be persuasive.

Applicants' major argument is that neither DE '048 nor Schiel teaches or suggests a water permeable wire web as the drive belt. This is not persuasive for the reasons set forth above that a water permeable press wire is a well known fabric for use in a dewatering press. Thus to have used a water permeable wire as one of the driven press fabrics in DE '048 and/or as the driven fabric taught in Schiel et al. would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made.

Applicants argue on page 8 that DE '048 does not teach "additionally providing driven press belts on each side of the web". However neither independent claims 1^{nor} 23^{nor} and 37 requires press felts and ***in addition*** driven press belts on each side of the web. Therefore, read in its broadest reasonable light, claims 1, 23 and 37 read on one of the driven press fabrics of DE '048 being a water permeable press wire as this was a well known option in the art. The press belts of the claim 1, 23 and 37 read on press felts since there is no clearly recited structural feature to distinguish thereover. Indeed, the art of record

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exemplifies, e.g. see Schiel et al., that a driven press belt may be either an impermeable press belt or a permeable press fabric.

Applicants argue that the Examiner has overstated MacDonald's disclosure and that furthermore MacDonald fails to teach or suggest a press belt comprising a water permeable wire web. Clearly MacDonald is not relied upon to teach the feature of a water permeable wire web. In addition, MacDonald is continued to be relied upon as necessary as it further exemplifies that "As machine speeds go higher and higher, helper motors are becoming more common, approaching the day when **every** roll or dryer will be driven" (emphasis provided) and then goes on to list **typical** applications. Thus the Examiner does not believe that the disclosure of MacDonald has been overstated, as applicant argues. A helper motor is a drive motor, as indicated by the title of the subsection relied upon called "Helper Drive".

Applicants argue that Schiel fails to disclose that the guide belt 6 may be a water permeable wire web; however as stated above, Schiel clearly discloses that the drive belt 6 may be either an impermeable belt or a water absorbing belt "e.g. a press felt web". E.g. means for example. Another example of an appropriate water absorbing belt would be a press wire which is also well known to those of ordinary skill in the art to be useful for dewatering in a press nip as exemplified by the disclosures relied upon above, Dahl '790 and/or Meinander.

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Note Justus et al. and Meinander are now cited to merely exemplify features that the Examiner stated were well known in the last Office action, and Dahl '790 is also now relied upon to teach the feature of a water permeable wire web which was stated in the last Office action to be an option that would have been immediately envisioned to one of ordinary skill in the art or a well known technical option. However, as applicants have traversed the examiner's assertions, it is appropriate to now apply these references to exemplify the examiner's previous findings, and make this Office action FINAL. Furthermore these features were not previously claimed in combination with either of independent claims 23 and 37.

THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE

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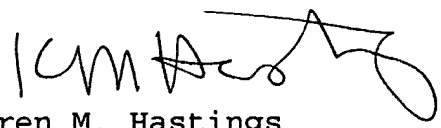
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ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hastings whose telephone number is (703) 308-0470. The examiner can normally be reached on Monday through Thursday from 6:30 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on (703) 308-1164. The fax phone number for this Group is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Karen M. Hastings
Senior Primary Examiner
Art Unit 1731

KMH/cdc
November 12, 2002

